



Indiana Department of Environmental Management

Office of Water Management

Rule Fact Sheet

June 14, 2000

## **Development of A New Rule Concerning the Classification of Wastewater Treatment Plants and the Examination and Certification of Operators**

#98-273 (WPCB)

### **Overview**

The Indiana Department of Environmental Management (IDEM) has developed a new rule concerning the classification of wastewater treatment plants and the examination and certification of operators to be presented to the Water Pollution Control Board on June 14, 2000, for consideration of preliminary adoption. This new rulemaking has been initiated to address wastewater treatment plants and their operators, a subject formerly addressed in 327 IAC 8-12.

### **Citations Affected**

This rulemaking adds new rule 327 IAC 5-22.

### **Affected Persons**

This rule will affect a person who works at a wastewater treatment plant in Indiana as a wastewater treatment operator and will set requirements for becoming a certified operator.

### **Reason(s) for the Rule**

New rule 327 IAC 5-22 has been developed simultaneously with amendments to 327 IAC 8-12 wherein the requirements regarding wastewater treatment plant classification and certification of wastewater treatment plant operators formerly resided. All references to wastewater treatment plants and collection systems and the operators of those plants are being removed from 327 IAC 8-12 leaving it to address only water treatment plants and distribution systems and the operators of those facilities.

Separating the rules and placing each in the proper area of the Indiana Administrative Code (IAC) will eliminate confusion. The rule concerning wastewater treatment plant classification and certification of wastewater treatment plant operators will be placed in 327 IAC 5, NPDES and Pretreatment Programs, while the rule for water treatment plant classification and certification of water treatment plant operator will remain in 327 IAC 8, Public Water Supply.

### **Economic Impact of the Rule**

The requirements of new rule 327 IAC 5-22 are unchanged from those concerning wastewater treatment plant operators and the classification of wastewater treatment plants that had been in 327 IAC 8-12. There will be no greater economic burden under new rule 327 IAC 5-22 to wastewater treatment plant owners and operators than has been incurred to date under 327 IAC 8-12.

### **Benefits of the Rule**

New rule 327 IAC 5-22 will concisely present requirements affecting wastewater treatment plant owners and operators alleviating the need to refer to a lengthier rule combining both wastewater and water treatment operator requirements as has been the rule situation under the existing 327 IAC 8-12.

### **Description of the Rulemaking Project**

This rulemaking was initiated on January 1, 1999, when two (2) first notices were published; one (1) was for amending 327 IAC 8-12 to remove references concerning wastewater treatment plants and their operators, and the other notice was to develop a new rule in Article 5 for the classification of wastewater treatment plants and the certification of wastewater treatment plant operators. Aside from amending 327 IAC 8-12 to remove all wastewater references, the Environmental Protection Agency (EPA) has issued final guidelines under the authority of the Safe Drinking Water Act that require changes to the requirements of 327 IAC 8-12 concerning water treatment plant and water distribution system operators. The amendments to 327 IAC 8-12 necessitated by the EPA guidelines must be effective by February 2001 so that Indiana does not lose twenty percent (20%) of its available federal funding for the states drinking water program. Both the amendments to 327 IAC 8-12 and the development of new rule 327 IAC 5-22 must become effective rules at the same time so that no void occurs in state rules concerning water and wastewater treatment plant classification and certification of operators.

### **Scheduled Hearings**

First Public Hearing: June 14, 2000, at the WPCB meeting held at the Indiana Government Building South.

### **Consideration of Factors Outlined in Indiana Code 13-14-8-4**

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.

- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
  - (A) human, plant animal, or aquatic life; or
  - (B) the reasonable enjoyment of life and property.

### **Rulemaking Process**

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the department's responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Water Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/ hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule becomes effective 30 days after filing with the Secretary of State.

### **IDEM Contact**

Additional information regarding this rulemaking action can be obtained from MaryAnn Stevens, Rules Section, Office of Water Management, (317) 232-8635 or (800) 451-6027 (in Indiana).